

**The following document is the complete text of Fayette County's Ethics Ordinance, which applies to the public officials and employees of the Fayette County Government.**

**ETHICS ORDINANCE  
NO. 99-01**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY; TO REVISE THE EXISTING CODE OF ETHICS FOR FAYETTE COUNTY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR PROCEDURES FOR VIOLATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME, THAT CHAPTER 2 OF THE FAYETTE COUNTY CODE BE AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:**

**I. TEXT OF ORDINANCE.**

**ARTICLE VIII. CODE OF ETHICS OF FAYETTE COUNTY**

**Sec. 2-207. Purpose and intent.**

The purpose of this Code of Ethics is to establish ethical standards of conduct for all officials and employees of Fayette County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such officials and employees of private financial, or other interests, in matters affecting the County.

Those covered officials and employees are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern.

Covered officials and employees shall not exceed their authority or breach the law, or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

**Sec. 2-208. Definitions.**

The following words, terms and phrases, when used in the Code of Ethics of Fayette County, shall have the meanings ascribed to them in this section:

(1) "Code of Ethics" means the Code of Ethics of Fayette County.

(2) "County" means Fayette County, Georgia.

(3) "Covered Official" means any member of the Board of Commissioners of Fayette County and any person who has been appointed to a position by the Board of Commissioners of Fayette County including, but not limited to, the County Manager, the County Clerk, Department Heads, and any member of the Planning Commission, the Zoning Board of Appeals, or any other appointed board. The County Attorney is subject to the Ethical Considerations and Disciplinary Rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this ordinance.

However, enforcement shall be through the procedures as established by the State Bar of Georgia.

(4) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

(5) "Immediate family" means parents, spouse and children.

Sec. 2-209. Text of ethical considerations.

Notwithstanding any provisions of law to the contrary, each covered official and employee of Fayette County shall:

(1) Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

(2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;

(3) Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;

(4) Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;

(5) Expose corruption wherever discovered;

(6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the official's/employee's official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted, or agreed to accept under circumstances from which it cannot be reasonably inferred that a major purpose of the donor was to influence the performance of the official's/employee's official duties, the following rules shall apply: A covered official shall publicly disclose, prior to discussing or taking any official action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions valued at \$500.00 or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating or taking official action on any matter involving the donor;

(7) Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, and anyone having business with the County shall be publicly disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least \$6,000.00 on an annual basis, such covered official shall be prohibited from participating or taking official action on any matter involving the person with whom such business relationship exists; and

(8) Never engage in other conduct which is unbecoming to an official/employee or which constitutes a breach of public trust.

Sec. 2-210. Procedure for alleged violations.

A. Alleged violations of this Code of Ethics must be submitted via written, sworn complaint to the Clerk of the Board of Commissioners of Fayette County. Consistent with the Open Meetings Laws, the Board of Commissioners shall review all complaints against covered officials and employees except those complaints filed against a member of the Board of Commissioners. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against employees may be referred through the proper channels within the Employee Handbook's disciplinary procedures.

B. The Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official or employee violated the Code of Ethics. Covered officials and employees are subject to the following penalties and action for violations of this Code of Ethics:

- (1) Written reprimand or public censure;
- (2) Recovery of value transferred or received by the County;
- (3) Cancellation of the contract or rejection of the bid or offer;
- (4) A monetary fine not to exceed \$1,000.00; and
- (5) Demotion or termination.

C. If a complaint is received by the Clerk of the Board of Commissioners which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, an independent review board will be formed if the complaint alleges sufficient facts which, if proven to be true, would be a violation of the Code of Ethics. The County Attorney of any County within the Griffin Judicial Circuit, except the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impanelled. If a review board is needed, three (3) County Attorneys within reasonably close geographical proximity to the County will be requested to conduct a public hearing based upon the complaint. A majority vote, based on clear and convincing evidence, will determine the existence of a violation.

II. REPEAL OF CONFLICTING ORDINANCES. This ordinance is intended as the Code of Ethics of Fayette County, and all other ordinances in existence which conflict with the provisions of this ordinance, including but not limited to, the Code of Ethics of 1993, and the Code of Ethics of 1997, are hereby repealed.

III. EFFECTIVE DATE. This ordinance shall become effective on the date of its adoption by the Board of Commissioners of Fayette County.

So enacted by the Board of Commissioners of Fayette County, Georgia on the 28TH day of January, 1999.